

APPEAL NO. 021069
FILED JUNE 20, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on April 2, 2002, the hearing officer found that on _____, while in the course and scope of her employment, the respondent (claimant) suffered new damage or harm to her cervical, thoracic, and lumbar spine, including lumbar disc damage, and concluded that her compensable injury of that date extends to and includes the cervical, thoracic, and lumbar spine including lumbar disc damage. The appellant (carrier) appeals this determination on evidentiary sufficiency grounds. The claimant filed a response urging the correctness of the hearing officer's determination.

DECISION

Affirmed.

The claimant testified that on _____, she had just finished an on-site review for the employer and while lifting her laptop computer, files, and resource materials into her vehicle in the parking lot, she just felt a sharp pain in her abdomen and then began to have pain in her neck and in thoracic and lumbar spine areas. She acknowledged having had a prior workers' compensation injury in _____, for which she received treatment to her cervical and thoracic spine areas. The carrier contended that the claimant did not suffer a new injury to her cervical and thoracic spine regions on _____, and did not suffer a lumbar spine injury beyond the sprain/strain injury the carrier had accepted. The medical evidence was in conflict but the reports of the claimant's neurologist, as well as the report of an examining doctor selected by the Texas Workers' Compensation Commission, support the claimant's contention that she did indeed sustain injuries to her cervical, thoracic, and lumbar spine regions on _____.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W. 2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **SENTRY INSURANCE A MUTUAL COMPANY** and the name and address of its registered agent for service of process is

**GAIL L. ESTES
1525 NORTH INTERSTATE 35E SUITE 220
CARROLLTON, TEXAS 75006.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Roy L. Warren
Appeals Judge